

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

PETER HOCHSTEIN et al.,

Plaintiffs,

Case Number: 04-73071

v.

JUDGE PAUL D. BORMAN
UNITED STATES DISTRICT COURT

MICROSOFT CORPORATION,

Defendant.

_____ /

DIRECTIONS TO PARTIES RE CLAIM CONSTRUCTION HEARING
SET FOR OCTOBER 23, 2009

1. The Court's claim construction of "electrically connected" (Dkt. No. 502 of July 8, 2009) stands, insofar as such construed term does not cover signals transmitted by waves (e.g., wireless controllers). That portion of the Court's claim construction is not to be re-argued at the October 23, 2009 hearing. Beyond that exclusion of signal transmission by waves, the Court wants to hear the parties' contentions and citations to existing and supporting evidence as to whether any other types of electrical circuit elements or forms of signal transmission are to be explicitly excluded from, or explicitly included in, the proper construction of "electrically connected" as that term is employed three times in claim 39.
2. No further declarations or reports by experts, or dictionary or treatise definitions, beyond those already of record are to be filed or considered.
3. Discuss whether a person of ordinary skill in the relevant art would, upon reading the intrinsic evidence (i.e., the '125 Patent and any relevant USPTO prosecution history), have

considered that the term "electrically connected" (as used three times in claim 39) (1) necessarily precludes the presence of a transformer between the components that are claimed as being "electrically connected" or (2) permits the optional presence of a transformer in such location. Be prepared to identify specific portions of the intrinsic evidence that support your views.

SO ORDERED.

S/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: September 15, 2009

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on September 15, 2009.

S/Denise Goodine
Case Manager